

REMARKS**ALLOWABLE CLAIMS 9-12**

Applicant thanks the Examiner for the indicated allowability of claims 15 and 16. It is not believed to be necessary to amend these claims in independent form at this time, as it is submitted *infra* that the rejections of these base claims for at least the reason that the rejections are overcome as discussed below.

35 U.S.C. § 102(E) REJECTION OVER HASHIMOTO ET AL.

Claims 1-4, 6-8, and 13-19 are being rejected under 35 U.S.C. § 102(e) as being anticipated by **Hashimoto et al.** (U.S. Pat. No. 6,669,809). This rejection is traversed.

The effective date of **Hashimoto et al.** under 35 U.S.C. § 102(e) is the U.S. filing date of February 26, 2001. This date is later than the priority date of the present application, arising from application JP 2000-313496 filed in Japan on October 13, 2000, for which priority was claimed under 35 U.S.C. § 119. Accordingly, Applicants are filing with this response an English translation of the priority document, on which a claim to priority was made under 35 U.S.C. § 119, together with an accompanying statement or certification, as provided for by 37 C.F.R. § 1.55 and MPEP § 201.15.

A certified copy of the priority document was already filed with the international (PCT) application and filing with the U.S. Patent and Trademark Office is not necessary. Confirmation of receipt of the certified copies of the priority documents from the International Bureau is requested (see, e.g., MPEP § 1828).

The submission of the translation is not an admission that the reference applied by the Examiner is substantively sufficient to support the Examiner's rejection. Applicants do

not waive any right to take alternative action appropriate to remove the subject matter of the reference in the future.

In view of the antedating of **Hashimoto et al.**, the 35 U.S.C. § 102(e) rejection advanced by the Examiner is traversed and, indeed, rendered moot. Accordingly, withdrawal of this rejection is solicited.

Moreover, allowance of claims 1-4 and 6-19 is requested. "If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker* 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)(*citations omitted*).

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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